IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 9335 of 2007(J)

PETITIONER:

ERUVESSY SERVICE CO-OPERATIVE
BANK LTD. NO.C.171, CHEMBERI-PO, KANNUR DISTRICT,
REPRESENTED BY ITS PRESIDENT OF THE MANAGING
COMMITTEE THOMAS MUNDAKKAL.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:

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1. THE STATE CO-OPERATIVE ELECTION
COMMISSION, THIRUVANANTHAPURAM.

2. THE RETURNING OFFICER,
ERUVESSY SERVICE CO-OPERATIVE BANK LTD.
NO.C.171, CHEMBERI P.O., KANNUR DISTRICT.

BY GOVERNMENT PLEADER SRI. P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.9C)NO.9335/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE ELECTION NOTIFICATION DATED 12.2.07.

EXT.P2: TRUE COPY OF THE REQUEST GIVEN TO THE STATE CO-OPERTIVE ELECTION COMMISSION DATED 9.3.07.

/TRUE COPY/

P.A. TO JUDGE.

S. Siri Jagan, J.

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W.P(C) No. 9335 of 2007

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Dated this, the 23rd March, 2007.

J U D G M E N T

The petitioner, a Co-operative Society, apprehending that in the election to be conducted tomorrow, there is likelihood of bogus voting, has approached this Court for a direction to the Returning Officer for appointing independent officers for the proper conduct of an election and to appoint an Advocate Commissioner to oversee the conduct of election by the Returning Officer.

2. This is stoutly opposed by the learned Government pleader, who would submit that it is settled law of this Court that this Court can neither appoint an Advocate Commissioner nor other officers to oversee the process of election when a Returning Officer is appointed by the Registrar for conducting the election. In the wake of the above submission, the learned counsel for the petitioner submits that appropriate instructions may be issued to the 2nd respondent - Returning Officer to see that voters are permitted to cast their votes only on production of identity cards issued by the Society as prescribed under Rule 16(A)of the Co-operative Societies Rules and also after verifying the identity cards with Form-6B register maintained by the Society. The learned Government Pleader submits that the Returning Officer cannot do otherwise because the Rules say so.

3. In the above circumstances, I dispose of this writ petition

with a direction to the 2nd respondent to see that the voters in the election cast their vote only on production of an identity card issued by the Society under Rule 16(A) of the Rules and also after comparing the photographs in the identity cards with that in Form-6B register maintained by the Society ensuring that the persons, who vote are genuine members of the Society entitled to vote in the election. Issue certified copy of the judgment today itself.

With the above direction, this writ petition is disposed of .

S. SIRI JAGAN, JUDGE

Acd/